UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 19, 2008

Gregory J. Thorpe, Ph.D.
Environmental Management Director
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Subject: I-26 Connector, Asheville
Buncombe County, North Carolina
Draft EIS; TIP Project No.: I-2513
CEQ No.:20080125; FHW-E40820-NC

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency (EPA) Region 4 has reviewed the subject document and is commenting in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). The North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) are proposing to construct a multi-lane freeway from Interstate 26 to US 19-23-70 that also includes the I-26/I-40/I-240 Interchange in Asheville, Buncombe County. The project is divided into 3 sections, including Section A widening for 2.1 miles on existing I-240, Section B that includes 2.6 miles of new location across the French Broad River, and Section C which includes approximately 5 miles of improvements for the I-26/I-40 Interchange.

The proposed project was placed in the NEPA/Section 404 Merger process and EPA has been an active participant in the team process. According to EPA's records, Purpose and Need (Concurrence point 1) was concurred upon on January 23, 2002, Detailed Study Alternatives (Concurrence point 2) was re-signed on July 24, 2007, and the Bridging Decisions and Alignment Review (Concurrence point 2A) was signed on September 7, 2006.

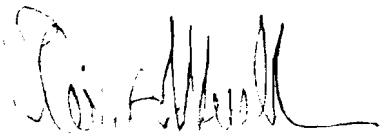
There is currently 1 detailed study alternative under consideration for Section A, three (3) alternatives for Section B (i.e., Alternatives B-2, B-3 and B-4) and four (4) alternatives for Section C (i.e., Alternatives A-2, C-2, D-1 and F-1). In addition, the DEIS also identifies an additional local alternative developed by the Asheville Design Center (ADC). In January of 2008, the ADC presented a revised concept to NCDOT through the Asheville City Council. This alternative is also under consideration by NCDOT (Pages 1-8 and 8-27 of the DEIS).

The environmental impacts for Section B offer a reasonable range of difference and EPA considers Alternative B-2 to be the environmentally preferred alternative at this time (i.e., Least overall stream impacts). For Section C, EPA considers Alternative F-1 to be the environmentally preferred alternative at this time for similar reasons as Section B (i.e., Alternative F-1 has the least number of residential and business relocations and stream impacts). However, EPA is interested in comments and concerns from other agencies and will work with other Merger team agencies on the identification of the Least Environmental Damaging Practicable Alternative (LEDPA). EPA has attached specific environmental review comments to this DEIS (See Attachment "A").

Based on EPA's review of the DEIS, all of the alternatives and the overall DEIS received an "EC-1" rating, meaning that some environmental concerns exist that need to be further addressed. Specifically, further information should be included in the FEIS regarding avoidance and minimization measures for streams, mitigation plans, potential measures to minimize impacts to historic properties, invasive plant species issues, relocations and noise receptor impacts. EPA has attached a copy of the DEIS rating descriptions (See Attachment "B").

EPA plans to continue its Merger process involvement in this proposed project including the Concurrence Point 3 "LEDPA" and Concurrence Point 4A avoidance and minimization decision points. EPA will also be involved through the hydraulic and permit review stages, including the detailed avoidance and minimization efforts for stormwater management and the use of Best Management Practices (BMPs). Ms. Kathy Matthews of EPA's Wetlands Section should also be contacted during these phases of the Merger 01 process. Should you have any questions about EPA's comments on the DEIS, please contact Mr. Christopher Militscher of my staff at (919) 856-4206 or by e-mail at: militscher.chris@epa.gov.

Sincerely,



Heinz J. Mueller
Chief, NEPA Program Office
Office of Policy and Management

Cc: K. Jolly, USACE Wilmington District
J. Sullivan, FHWA-NC
B. Wrenn, NCDENR-DWQ

ATTACHMENT A
I-26 Connector, Asheville, Buncombe County
TIP# I-2513

SPECIFIC COMMENTS ON THE DEIS

Stream and Wetland Impacts

Considering the project setting, there are relatively little impacts to jurisdictional wetlands. For Section A the estimated impact is 0.01 acres. For Section B alternatives the estimated impact ranges from 0.06 to 0.17 acres with Alternative B-2 with the highest impact. For Section C alternatives the estimated impact ranges from 0.79 to 1.45 with Alternative F-1 having the least impact.

Section B has stream impacts that range between 1,864 linear feet to 2,767 linear feet. Alternative B-4 has the least direct impact to jurisdictional streams. However, Alternative B-2 has 3 fewer bridged stream crossings, and less potential indirect and cumulative impacts to streams in the watershed. Alternative B-2 has one less interchange than Alternatives B-3 and B-4. For Section C, Alternative F-1 has 850 linear feet of stream impact while the other three alternatives have more than a 1,200 linear feet of impact.

The impacted streams are located in the French Broad River (HUC 06010105) watershed and its tributaries are classified as 'Class B' waters of the State. Hominy Creek is listed on the 303(d) list of impaired waters due to urban runoff and agricultural discharges. Efforts should be made to avoid and minimize impacts to Hominy Creek through the use of steeper-grade side slopes, retaining walls, stormwater retention basins, planting of vegetative buffers and other Best Management Practices (BMPs).

Additional Avoidance and Minimization Measures and Mitigation for Streams and Wetlands

NCDOT and FHWA should consider additional avoidance and minimize measures for stream and wetland impacts beyond what is typically proposed. Because of the potential for large cut and fill heights due to the mountainous topography, NCDOT and FHWA should consider the use of "PAM – Polyacrylamide" and other potentially successful soil erosion and sediment control applications (e.g., Absorbent fiber logs) that can greatly reduce turbidity on steeper slopes. This would be in addition to the stone check-dams, silt fencing, and other BMP soil erosion and sedimentation practices that NCDOT typically employs on a project. NCDOT has funded research with the North Carolina State University (NCSU) and has supported the application of these more 'aggressive' soil erosion and sediment control measures in mountainous environments.

Section 3.5.1.2 of the DEIS does not address the potential presence of acidic rock. Western North Carolina contains areas with acidic rock formations that when exposed to atmospheric conditions can result in stormwater runoff that exhibits very low pH values

and can further impair water quality. This acidic runoff can be very detrimental to aquatic environments. EPA recommends that geotechnical investigations be conducted as soon as possible after the selection of a LEDPA in order to identify the potential presence of acidic rock formations. Specific avoidance and minimization plans should also be developed and proposed where exposed rock formations may impact water quality of receiving streams and wetlands.

Compensatory Mitigation

EPA notes the information on proposed compensatory mitigation on Page 4-36 of the DEIS for wetland and stream impacts through the Ecosystem Enhancement Program (EEP). It should be noted that while opportunities for compensatory mitigation are limited in the project study area, NCDOT and FHWA should consider 'enhancement' activities to correct existing 'down-cutting', eroded drainage features and improved streambank measures.

EPA notes the comment in the DEIS that almost the entire stream and wetland areas in the project study area are invaded by exotic invasive plants. Removal of these invasive plant species along with other riparian buffer enhancements may constitute potential on-site enhancement/restoration opportunities. Any specific plans for on-site restoration/enhancement activities or detailed mitigation plans should also be coordinated through Ms. Kathy Matthews of EPA's Wetlands Section.

Terrestrial Forest Impacts

The DEIS summary impact table (S-1) does not include the terrestrial forest impacts for the different Sections or the Alternatives. Table 4-12 of the DEIS provides a breakdown of impact based upon vegetative community type. According to Table 4-12, Section A has 20 acres of impacts to Mesic Mixed and Alluvial Hardwood forests. For Section B, Alternatives B-2, B-3 and B-4 have comparable impacts to these same community types and range between 21 and 23 acres. For Section C, Alternative F-1 has the least impact to terrestrial forests with 16 acres. Alternatives A-2, C-2, and D-1 have 32, 36 and 25 acres of impact, respectively. Because of the proximity of Hominy Creek to some of these terrestrial communities, EPA strongly prefers Alternative F-1 for Section C. For Alternatives A, B-2 and F-1, there is a total impact of 59 acres of impact to terrestrial forests. The FEIS should include these impacts in the summary table.

Invasive Plant Species

The DEIS does not specifically address the requirements under Executive Order (E.O.)13112 on Invasive Species or FHWA's guidance on addressing the potential problems associated with roadside invasive plants. The DEIS does cite there are extensive urban land and disturbed areas covered in exotic invasive plant species within the project study area (Pages 3-54, 4-36, et al.). Species such as Chinese privet (*Ligustrum sinense*), Multiflora rose (*Rosa multiflora*), Japanese honeysuckle (*Lonicera japonica*), Japanese [Stilt] grass (*Microstegium vimineum*) and Oriental bittersweet

(*Celastrus orbiculatus*) are listed in the project study area. EPA's records also indicate the presence of Japanese knotweed (*Fallopia japonica*, syn. *Polygonum cuspidatum, Reynoutria japonica*) in the project study area, including right-of-way areas along I-240, I-40, and NC 25.

EPA has previously provided NCDOT information on this problematic invasive plant species that can be spread extensively through construction activities and long-term can potentially impact riparian buffers and water quality. EPA requests that NCDOT consider the use of the draft BMPs for Japanese knotweed (as well as some of the other aggressive invasive plant species) that was provided to NCDOT's Roadside Environment Unit and Natural Environment Unit in October of 2007. The FEIS should also specifically address compliance with E.O. 13112 and FHWA roadside guidance on controlling invasive plant species.

Human Environmental (Relocations) and Environmental Justice

There are a substantial number of residential and business relocations for the proposed new location and widened roadways. For Section A, there are 79 residential relocations and 14 business relocations. For Section B, Alternatives B-2, B-3 and B-4 have 44/55, 61/17, and 37/19, residential and business relocations, respectively. For Section C, Alternatives A-2, C-2, D-1 and F-1 have 15/1, 10/1, 15/2 and 5/0 residential and business relocations, respectively. Based upon the table and information on Environmental Justice (i.e., Section 3.1.5, Table 4-1, et al.), only Alternative B-3 appears to have a substantial percentage of residential relocations to minority and low-income residences. There are 61 residential relocations and 26 are to minority and low-income residences (43%). Alternatives B-2 and B-4 have much lower percentages at approximately 16% and 14%.

Noise Receptor Impacts

The DEIS summary impact table does not include the number of noise receptors impacted by the proposed project. Noise receptor impacts are addressed in Table 4-4 of the DEIS. Section A has 120 impacted residences (receptors). Section B has between 137 and 182 impacted receptors, with Alternative B-2 having 134 impacted residential receptors and 3 impacted business receptors. Alternative B-2 has the least number of total impacted receptors for this Section of the project. For Section C, only Alternatives A-2, C-2 and D-1 are listed as having noise receptor impacts (i.e., 43/2, 51/2, and 48/2). It is unclear if Alternative F-1 has impacts to noise receptors. This issue should be clarified before the next Merger 01 concurrence meeting. Furthermore, impact tables should be revised to include 'totals' for each of the Alternative combinations for Sections A, B and C. EPA notes that Table 4-5 includes the potential for noise barriers at approximately 16 possible locations for the various alternatives. Section A of the project could have 2 cost effective noise barriers. Section B Alternatives could have 1 or more noise barrier. For Section C, a noise barrier for 18 impacted properties is being constructed under TIP project I-4401. The FEIS should provide additional details regarding Alternatives A-2, C-2, D-1 and F-1 and if there is any difference in alternatives

and the potential requirements for noise barriers depending upon which alternative is selected. The FEIS should also total noise receptor impacts for the Sections, list the number of receptors which will be benefited from noise barriers and include them in a summary impact table.

Areas of Controversy and Unresolved Issues

The DEIS includes information on unresolved issues on Pages S-18 and S-19 and controversial issues on Pages 8-26 and 8-27. Section 1.9 addresses the issue of the traffic model updates and project level forecasts in Section 1.9 and the justification of 8 lanes on I-240 versus 6 lanes. Based upon the CORSIM Analysis provided in Section 1.9.2.2, there appears to be little traffic benefit between 6-lanes and 8-lanes along I-240. Table 1-4 does not fully demonstrate any substantial traffic benefit in average travel time and average speed between the 8 and 6 lane options for I-240 (e.g., Six lane AM Peak at 388.7 seconds versus Eight lane AM Peak at 363.6 seconds). For this example, there is less than a 6% travel time benefit between the two options. Moreover, EPA is concerned that NCDOT proposes to provide updated traffic forecasts using a new traffic model (Page S-18). The new traffic model forecast should have been conducted prior to the issuance of the DEIS. EPA requests that this updated traffic analysis be conducted prior to the Merger 01 Concurrence point 3 meeting.

The NCDOT is currently reviewing the proposed and revised ADC conceptual alternative. As soon as NCDOT completes its traffic analysis, this alternative needs to be formally presented to the Merger 01 team for potential consideration, if relevant and appropriate. EPA acknowledges the other unresolved issues concerning Section 4(f) properties, environmental justice coordination, the cumulative effects assessment, hazardous material investigations, and the review of the Aesthetic Advisory Committee recommendations by the City of Asheville. EPA notes that there is a 'high' severity impact anticipated for the landfill along the eastern bank of the French Broad River (Page 4-17). Sampling and analysis may need to be conducted prior to the selection of a preferred alternative and this information should be presented with respect to the alternatives currently under consideration.

Under Sections 4.3.1.2 and 4.3.1.4, both entitled 'Economic Effects', a duplicate (verbatim) discussion is provided where one does not appear to be necessary. One of the sections should be eliminated in the FEIS.